

## REMARKS

Continued examination of the present application is requested under 37 C.F.R. § 1.114. The Applicants request consideration of the present amendments and remarks as well as those previously submitted August 15, 2005 and not yet entered by the Examiner. See *Advisory Action*, Item 3.

With regard to the *Advisory Action*, the Applicants note the Examiner's comment concerning the limitation 'means for causing the user interface to automatically optimize display settings' as "rais[ing] new issues and new matter." *Advisory Action*, Continuation Sheet. To the extent the amendment raises a new issue, the Applicants contend the present Request for Continued Examination to overcome this rejection as provided for by 37 C.F.R. § 1.114(d). To the extent the Examiner contends the introduction of this limitation into the claims raises 'new matter,' the Applicants note that "the claims affected should be rejected under 35 U.S.C. 112, first paragraph, because the new matter is not described in the application as originally filed." *MPEP* § 608.04.

The Applicants would further contend, however, that any rejection under 35 U.S.C. § 112, ¶ 1 to be unwarranted in that this 'means for' limitation is described in the specification as filed (at least) at page 42, lines 4-17 as well as Figures 7-12. Specific references to the specification that teach this limitation are noted in the August 15, 2005 amendment at pages 11-12.

The Applicants also note the Examiner's comment in the *Advisory Action* that "[t]he 'keyboard' taught by the applied prior arts is considered [a] handheld user interface." *Advisory Action*, Continuation Sheet. The Applicants respectfully traverse and note that U.S. patent numbers 5,161,535 (Short et al.) and 6,512,854 (Mucci et al.) evidence no teaching of being handheld. For example, the keyboard in Figure 1 of Short et al. is clearly not handheld as the keyboard is integrated into a larger device incapable of being handheld. Notwithstanding, the Applicants have further amended the claims to reflect the handheld nature of the present invention wherein a control area, in claim 1 for example, is configured to be operable **single-handedly**. For example, an

embodiment of the present invention describes "holding and controlling the device at the same time with one hand, the user interface [being] designed for one-hand, one-thumb operation." Specification, p. 6, l. 21-p. 7, l. 1. Similar single-handed operation is depicted in Figures 20 and 21 (2006). In this regard, the Applicants contend this further limitation to be supported by the specification of the present application.

## CONCLUSION

The Applicants contend the art of record fails to teach each and every claimed limitation of the present application. The Applicants further contend each and every limitation to be fully supported by the written description of the application. As such, the Applicants contend the present application to be in condition for allowance and request the issuance of a notice of allowance recognizing the same. The Examiner is invited to contact the Applicants' undersigned representative with any questions concerning the present application.

Respectfully submitted,  
Sorin Grunwald et al.

October 12, 2005

By:



Susan Yee (Reg. No. 41,388)

**Carr & Ferrell LLP**

2200 Geng Road

Palo Alto, CA 94303

650.812.3400 (P)

650.812.3444 (F)